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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**
5

6 ANTOINETTE THOMAS,

7 Plaintiff,

8 v.

9 MEDICAL STAFFS, *et al.*,

10 Defendants.
11

Case No. 2:24-cv-01509-RFB-DJA

ORDER

12 Plaintiff Antoinette Thomas brings this civil-rights action under 42 U.S.C. § 1983 to
13 redress constitutional violations that she claims she suffered at Florence McClure Women’s
14 Correctional Center. ECF No. 1-1. On March 31, 2025, this Court ordered Thomas to update her
15 address by April 30, 2025. ECF No. 6. That deadline expired without an updated address or any
16 other response from Thomas.

17 **I. DISCUSSION**

18 District courts have the inherent power to control their dockets and “[i]n the exercise of
19 that power, they may impose sanctions including, where appropriate . . . dismissal” of a case.
20 Thompson v. Hous. Auth. of City of Los Angeles, 782 F.2d 829, 831 (9th Cir. 1986). A court may
21 dismiss an action based on a party’s failure to obey a court order or comply with local rules. See
22 Carey v. King, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (affirming dismissal for failure to comply
23 with local rule requiring *pro se* plaintiffs to keep court apprised of address); Malone v. U.S. Postal
24 Service, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order). In
25 determining whether to dismiss an action on one of these grounds, the Court must consider: (1)
26 the public’s interest in expeditious resolution of litigation; (2) the Court’s need to manage its
27 docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of

1 cases on their merits; and (5) the availability of less drastic alternatives. See In re
2 Phenylpropanolamine Prod. Liab. Litig., 460 F.3d 1217, 1226 (9th Cir. 2006) (quoting Malone v.
3 U.S. Postal Serv., 833 F.2d 128, 130 (9th Cir. 1987)).

4 The first two factors, the public's interest in expeditiously resolving this litigation and the
5 Court's interest in managing its docket, weigh in favor of dismissal of Thomas's claims. The third
6 factor, risk of prejudice to defendants, also weighs in favor of dismissal because a presumption of
7 injury arises from the occurrence of unreasonable delay in filing a pleading ordered by the court
8 or prosecuting an action. See Anderson v. Air West, 542 F.2d 522, 524 (9th Cir. 1976). The fourth
9 factor—the public policy favoring disposition of cases on their merits—is greatly outweighed by
10 the factors favoring dismissal.

11 The fifth factor requires the Court to consider whether less drastic alternatives can be used
12 to correct the party's failure that brought about the Court's need to consider dismissal. See Yourish
13 v. Cal. Amplifier, 191 F.3d 983, 992 (9th Cir. 1999) (explaining that considering less drastic
14 alternatives *before* the party has disobeyed a court order does not satisfy this factor); accord
15 Pagtalunan v. Galaza, 291 F.3d 639, 643 & n.4 (9th Cir. 2002) (explaining that “the persuasive
16 force of” earlier Ninth Circuit cases that “implicitly accepted pursuit of less drastic alternatives
17 prior to disobedience of the court's order as satisfying this element[,]” *i.e.*, like the “initial granting
18 of leave to amend coupled with the warning of dismissal for failure to comply[,]” have been
19 “eroded” by Yourish). Courts “need not exhaust every sanction short of dismissal before finally
20 dismissing a case, but must explore possible and meaningful alternatives.” Henderson v. Duncan,
21 779 F.2d 1421, 1424 (9th Cir. 1986).

22 This action cannot realistically proceed without the ability for the Court and the defendants
23 to send Thomas case-related documents, filings, and orders, and litigation cannot progress without
24 Thomas's compliance with the Court's orders. The only alternative is to dismissal is to enter a
25 second order setting another deadline for Thomas to file her current address with the Court.
26 However, Thomas either received the Court's previous order and ignored it, or Thomas did not
27 receive the order because she has not filed her current address with the Court. Setting another

1 deadline is not a meaningful alternative under these circumstances. So the fifth factor favors
2 dismissal.

3 **II. CONCLUSION**

4 Having thoroughly considered these dismissal factors, the Court finds that they weigh in
5 favor of dismissal.

6 **IT IS THEREFORE ORDERED** that this action is dismissed without prejudice based on
7 Thomas's failure to file her updated address in compliance with this Court's March 31, 2025,
8 Order. The Clerk of Court is directed to enter judgment accordingly and close this case.

9 **IT IS FURTHER ORDERED** that Thomas's application to proceed *in forma pauperis*
10 (ECF No. 4) is **DENIED** as moot.

11 **IT IS FURTHER ORDERED** that Thomas may move to reopen this case and vacate the
12 judgment by filing a motion for reconsideration of this order. In this motion, Thomas is required
13 to explain what circumstances the led her to failure to file her updated order with the Court. If the
14 Court finds there to be good cause or a reasonable explanation therein, the Court will reopen the
15 case and vacate the judgment.

16 **DATED:** May 7, 2025.

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19 **RICHARD F. BOULWARE, II**
20 **UNITED STATES DISTRICT JUDGE**
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